

EXHIBIT 9B

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1 done in Vermont prior to 2003.

2 Can you describe that process to me? So

3 samples I know were randomly taken from the piles

4 of milled talc, right?

5 A. Samples were taking -- taken using,

6 again, an automatic sampler while the silos are

7 being filled of finished product.

8 Q. Can you tell me what that looks like?

9 What is an automatic sampler? What -- do you know

10 how that works?

11 A. I think that would be a question for

12 Pat.

13 Q. Have you ever seen it yourself?

14 A. I believe I have.

15 Q. Can -- understanding that may not be

16 your expertise, what did you see? What did it look

17 like? Is it a conveyor belt? Is it a machine?

18 What is it?

19 A. I don't think I can remember well enough

20 to be able to describe it.

21 Q. Are you saying you don't know how those

22 samples are chosen?

23 A. No. I'm saying there is an automatic

24 sampler that samples a given amount of powder at

25 periodic time intervals.

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1 Q. But you don't know how that automatic

2 sampler takes samples?

3 A. There's a stream of powder that goes to

4 the silo, and there is a -- some sort of valve

5 that, at periodic intervals, causes a little bit of

6 the talc stream to be collected somewhere into a

7 container.

8 Q. Okay. Now I understand.

9 A. That's as far as I can --

10 Q. Okay. So what happens with those

11 samples that are taken before it goes to the silo?

12 A. Those samples are analyzed by x-ray

13 diffraction.

14 Q. Are they eventually analyzed by TEM?

15 A. They are then composited into a

16 quarterly composite.

17 Q. What does that mean, "They are

18 composited into a quarterly composite"?

19 A. Well, you have individual samples that

20 represent whatever silo on whatever date, and those

21 samples are then -- a portion taken from each of

22 those samples for the given date range that

23 includes a quarter, and a separate sample is made

24 from those for the TEM.

25 Q. And then are all those samples

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1 aggregated into one big sample?

2 A. All -- all what samples?

3 Q. Well, you're saying -- you used the term

4 "composite."

5 What is a composite?

6 A. Well, it's the -- it's the result of

7 taking the individual samples that represent

8 individual silos for a given -- for a given date.

9 And those samples are individual samples. A

10 portion is taken of each of those for the date

11 range in question. And for that quarter, it -- I

12 don't know how many samples it might -- might be,

13 six or ten. I don't know. A portion of each

14 sample is then put into a different container, and

15 that container represents the composite for the

16 month.

17 Q. Are those portions of the individual

18 samples, when they're put in that container, all

19 put into the same container?

20 A. Yes.

21 Q. So they're mixed?

22 A. Yes.

23 Q. Okay. So what you have in a composite

24 sample is a mixture of small portions of the

25 individual samples that were pulled out as the talc

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1 was progressing to the silo?

2 A. That's correct. You have a

3 representation, then, of all of the individual

4 samples that made up the silo samples.

5 Q. And each composite represents a period

6 of time?

7 A. That's right.

8 Q. And then, when you go to test the

9 composite by TEM, do you just scoop out 100

10 nanograms? How does that work?

11 A. It is thoroughly mixed, and

12 approximately .25 grams is taken out of the

13 mixture. And I can describe the whole process, if

14 you would like.

15 Q. Sure.

16 A. It -- the .25 grams, 0.25 grams, is put

17 into a container and a suspension is made. Water

18 is added. And that container represents 100

19 milliliters of water plus sample.

20 Q. Is it filtered water?

21 A. It is, yes.

22 Q. Is it triple-filtered water?

23 A. It's particle-free water, yes.

24 Q. Where does the water come from?

25 A. It's purchased.

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1 quarterly basis testing occurring at Imerys for
2 talc ore?

3 A. Currently, I don't think we have any
4 with a frequency of quarterly.

5 Q. When did you, if ever, have -- Imerys --
6 have a frequency of quarterly?

7 A. The quarterly finished product was from
8 Vermont, and the finished product would have been
9 Grade 66. Those were quarterly samples at that
10 time.

11 MR. GREEN: Could I have IMERYYS 446800,
12 please? And that is Exhibit Number 25.
13 (Exhibit 25 was marked for identification.)

14 Q. Ms. Pier, let me show you what's been
15 marked for identification here and for the record
16 as Exhibit 25. When you get that . . .

17 MR. GREEN: And Zach, thank you. If you
18 could call that out there. Thank you very much.

19 Q. Do you have the exhibit, ma'am?

20 A. I do, yes.

21 Q. Is this exhibit familiar to you?

22 A. This is -- this is output from the
23 database I was mentioning.

24 Q. Yes, ma'am. And let me represent to you
25 so -- so the record will be clear and you might be

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1 relieved, this document is produced by Imerys from
2 your custodial file. And you are listed as its
3 author in that production.

4 I'm going to ask you this question: Is this
5 an example of a TEM sample log we were talking
6 about before?

7 MR. KLATT: Objection; form.

8 A. This is an output from the database that
9 includes all samples. So it's a specific query in
10 the database.

11 Q. (By Mr. Green) And it would be an
12 example of that specific query; is that Imerys'
13 testimony? Is that correct?

14 A. It would be, yes.

15 Q. So let's look at the column headers.

16 MR. GREEN: And if we could call those out,
17 Zach, please, those column headers in this
18 exemplar.

19 Q. So as I understand -- I'm going to ask
20 you for your help. The column headers are --
21 you're recording the project number.

22 You see that's the first column on the left;
23 do you see that, ma'am?

24 A. I do, yes.

25 Q. And I know you're the author of this, so

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1 you're familiar with it, but I have to go through
2 this for the record.

3 MR. KLATT: Objection; form.

4 Q. (By Mr. Green) So please bear with me.
5 The next column is "Date Received
6 Analytical"; do you see that?

7 A. I do, yes.

8 Q. And is that the date that the sample is
9 received?

10 A. I believe it is.

11 Q. And then there's a column that says
12 "Completed"; do you see that column?

13 A. I do, yes.

14 Q. And this is where you, Imerys, fills in
15 the date when TEM testing was completed for the
16 sample, correct?

17 A. Yes.

18 Q. And there's also a description of the
19 sample; do you see that --

20 A. Yes, I do.

21 Q. -- after "Requester"?

22 A. I do.

23 Q. And that description of the sample, that
24 takes the middle part of this exhibit, middle part
25 of that column; do you see that?

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1 A. I do, yes.

2 Q. And to the right of that is a "Total"
3 column; do you see that?

4 A. Yes.

5 Q. And is that "Total" column, is that the
6 total numbers of samples received with the project
7 number?

8 A. Yes, it is. That's correct.

9 Q. And next to that is a "Complete" column;
10 do you see that?

11 A. I do.

12 Q. And that's where you record the number
13 of sample tests that had been completed; is that
14 correct?

15 A. That's correct.

16 Q. And so if you have one sample, and the
17 testing is complete, there would be a number "1" in
18 the "Complete" column; is that correct?

19 A. I believe it would.

20 Q. And the completion date in the "Date
21 Completed" column would then be entered; is that
22 correct?

23 A. That's correct, yes.

24 Q. The next column is marked "To Do"; do
25 you see that column?